



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,323	12/31/2003	Rey-Yuh Wu	03-1119	1770

20306 7590 06/26/2007  
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

EXAMINER
----------

FETTEROLF, BRANDON J

ART UNIT	PAPER NUMBER
----------	--------------

1642

MAIL DATE	DELIVERY MODE
-----------	---------------

06/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## UNITED STATES DEPARTMENT OF COMMERCE

## U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10749323	12/31/03	WU ET AL.	03-1119

MCDONNELL BOEHNNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

## EXAMINER

Brandon J. Fetterolf, PhD

ART UNIT	PAPER
1642	20070605

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

The amendment filed on 4/05/2007 amending all of the claims drawn to the elected invention, e.g., a composition, and presenting claims drawn to methods of using said composition for the inhibition of cancer is non-responsive because the claims encompass patentably distinct subject matter that would have been restricted from the compositions if presented in the claims set as originally filed. For example, the composition and the method of using said composition as now presented are related as product and process of use. As such, the inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the composition, as previously examined, can be used in a materially different process of using that product as now presented such as being formulated with other herbs for use as tonics, diuretics or anti-per spirants (specification page 1, 2<sup>nd</sup> paragraph).

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**